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George Davis, William Gittere,
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William Reubart, Daniel Schmidt,
And Harold Wickham*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JASON ALTHEIDE,

Plaintiff,

vs.

WILLIAM MOORE, *et al.*,

Defendants.

Case No. 3:18-cv-00408-MMD-CLB

**MOTION FOR EXTENSION OF TIME
FILE DISPOSITIVE MOTION
(FIRST REQUEST)**

Defendants, George Davis, William Gittere, Dennis Homan, William Moore, William Reubart, Daniel Schmidt, and Harold Wickham, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada and Peter E. Dunkley, Deputy Attorney General, hereby request an extension of 49 days, until August 7, 2020, to file a dispositive motion.

MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND

In light of the administrative obstacles at the Office of the Attorney General (OAG), related to the response to COVID-19, which has affected the responsiveness of

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communications and the ability to efficiently compile documents and evidence, Defendants request the extension. An additional side effect of the Nevada's and the OAG's administrative COVID-19 safeguards is that deadlines in some cases have become piled up, resulting in multiple deadlines for dispositive motions falling on a single day.¹

Thus, Defendants respectfully requests a forty nine (49) day extension of time from the current deadline of June 19, 2020, to file a dispositive motion on or before August 7, 2020.

II. DISCUSSION

Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

"The district court is given broad discretion in supervising the pretrial phase of litigation...." *Zivkovic v. S. California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002) (citation omitted).

Defendants asserts that the requisite good cause is present to warrant the requested extension of time. Defendants make the instant request in light of the current issues related to COVID-19 including Nevada Governor Sisolak's March 31, 2020 Declaration of Emergency (Directive 010) – 'Stay at Home Order' and the Governor's April 1, 2020 "Stay at Home" directive. In response, the Office of the Attorney General ("OAG") has directed all AOG employees to comply with the Governor's orders, limit in-office work and to stay at home effective immediately while and until the OAG transitions to alternate, home-based working arrangements. In light of those directives, and due to the difficulties the instant circumstances place on obtaining the necessary supporting documents, including correspondence between the OAG and certain Defendants, and the "stacked" litigation

¹ June 19, 2020 is one such day, with dispositive motions being due in this case, and in 3:19-cv-00084 (extension also requested), and in a state court case in the eighth judicial district, A-20-814296-C (finalizing and filing today). The Ninth Circuit's COVID-19 Notice (as of 3/26/20) implies 60 days may be sufficient for brief filing extensions. However, multiple deadlines for other cases in the OAG were necessarily extended or otherwise queued and have resulted in stacked deadlines prompting this request.

1 deadlines. Defendants respectfully request that the Court extend the dispositive motion
2 deadline by 49 days, until August 7, 2020. Defendants' request will not hinder or prejudice
3 Plaintiff's case, who has already filed a dispositive motion.

4 **III. CONCLUSION**

5 For these reasons, Defendants respectfully requests a forty-nine (49) day extension to
6 the current dispositive motion deadline.

7 Proposed Schedule for Dispositive Deadline

8 Current Dispositive Motion Deadline June 19, 2020

9 Proposed Dispositive Motion Deadline August 7, 2020

10 DATED this 19th day of June 2020.

11 AARON D. FORD
12 Attorney General

13 By: /s/ Peter E. Dunkley
14 PETER E. DUNKLEY, Bar No. 11110
15 Deputy Attorney General

16 *Attorneys for Defendants*

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18 **IT IS SO ORDERED:**

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20 UNITED STATES MAGISTRATE JUDGE

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22 DATED: June 19, 2020
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 19th day of June, 2020, I caused a copy of the foregoing, **MOTION FOR EXTENSION OF TIME FILE DISPOSITIVE MOTION (FIRST REQUEST)**, to be served, by U.S. District Court CM/ECF Electronic Filing on the following:

Jason Altheide, #1169889
C/O Law Librarian
High Desert State Prison
22010 Cold Creek Road
P. O Box 650
Indian Springs, NV 89070
HDSP_lawlibrary@doc.nv.gov

/s/ Caitie Collins
An employee of the
Office of the Attorney General